

Date

Ms. Kathy Tucker
DeSoto Fire Protection District 2
296 Depot Rd
Keatchie LA 71046

Re: Board Docket No. 2021-004

Dear Ms. Tucker:

The Louisiana Board of Ethics, at its March 5, 2021 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics would prohibit Joe Magee from serving as the Administrator of the Desoto Parish Emergency Medical Services (EMS) and being appointed to serve on the Desoto Parish Fire District 2 Board.

FACTS PROVIDED

You stated that the Desoto Parish Fire District 2 Board and EMS entered joint Cooperative endeavor agreements to split costs. The cooperative endeavor agreements provide that both the Desoto Parish Fire District 2 Board and EMS are subdivisions of the State. Nothing in the cooperative endeavor agreements benefit Mr. Magee personally.

LAW

La. R.S. 42:1111C(2)(d) prohibits a public servant and a legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for services rendered to or for any person during his public service unless such services are neither performed for nor compensated by any person who (1) has or is seeking to have a contractual, business or financial relationship with the public servant's agency; (2) conducts operations or activities that are regulated by the public employee's agency; or (3) has a substantial economic interest which may be substantially affected by the performance or nonperformance of the public employee's official duty.

La. R.S. 42:1112A provides that no public servant, except as provided in R.S. 42:1120, shall participate in a transaction involving the governmental entity in which he has a personal substantial interest of which he may be reasonably expected to know involving the governmental entity.

La. R.S. 42:1112B(3) prohibits a public servant, except as provided in R.S. 42:1120, from participating in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

La. R.S. 42:1102(16) defines “person” to mean an individual or legal entity other than a governmental entity, or an agency thereof.

CONCLUSION

The Board concluded, and instructed me to inform you, since neither EMS nor the Desoto Parish Fire District 2 are “persons”, the Code of Governmental Ethics would not prohibit Mr. Magee from serving as the Administrator of EMS and on the Desoto Parish Fire District 2 Board because he does not have a personal substantial interest in the cooperative endeavor agreement. However, you should be advised that this opinion request may present an issue associated with the Louisiana Dual Office-Holding laws, which are under the jurisdiction of the Attorney General.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Suzanne Quinlan Mooney
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.